

Village of Mortlach

Bylaw No. 2019-02

A Bylaw to Amend Bylaw No. 30-06

A BYLAW TO PROVIDE FOR THE ABATEMENT OF NUISANCES
WITHIN THE VILLAGE OF MORTLACH

The Council of the Village of Mortlach in the Province of Saskatchewan enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as The Nuisance Abatement Bylaw

PURPOSE

2. The purpose of this Bylaw is to provide for the abatement of nuisances, including property, activities, or things that adversely affect:
 - a) the safety, health or welfare of people in the neighborhood,
 - b) people's use and enjoyment of their property; or
 - c) the amenity of a neighborhood" means any automobile, tractor, truck, trailer or other vehicle that:

DEFINITIONS

3. In this Bylaw:
 - a) "Designated Officer" means an employee or agent of the Municipality appointed by Council to act as a municipal inspector for the purpose of this Bylaw;
 - b) "building" means a building within the meaning of *The Municipalities Act*;
 - c) "Municipality" means the Village of Mortlach;
 - d) "Council" means the Council of the Village of Mortlach;
 - e) "junked vehicle" means any automobile, tractor, truck, trailer, or other vehicle that
 - (i) either:
 - (1) has no valid license plates attached to it; or
 - (2) is in rusted, wrecked, partly wrecked, dismantled, partly dismantled, inoperative or abandoned condition; and
 - (ii) is located on private land, but that:
 - (1) is not within a structure erected in accordance with any Bylaw respecting the erection of buildings and structures in force within the Municipality; and
 - (2) does not form a part of a business enterprise lawfully being operated on that land;
 - f) "nuisance" means a condition of property, or a thing, or an activity, that adversely affect:
 - (i) the safety, health or welfare of people in the neighborhood;
 - (ii) an unoccupied building that is damaged and is an imminent danger to public safety;
 - (iii) land that is overgrown with grass and weeds;

- (iv) untidy and unsightly property;
- (v) junked vehicles; and
- (vi) open excavations on property;

- g) “occupant” means an occupant as defined in *The Municipalities Act*;
- h) “owner” means an owner as defined in *The Municipalities Act*;
- i) “property” means land or buildings or both;
- j) “structure” means anything erected or constructed, the use of which requires temporary or permanent location on, or support of, the soil, or attached to something having permanent location on the ground or soil, but not including pavements, curbs, walks or open-air surfaced areas.

RESPONSIBILITY

- 4. Unless otherwise specified, the owner of a property, including land, buildings and structures, shall be responsible for carrying out the provisions of this Bylaw.

NUISANCES PROHIBITED GENERALLY

- 5. No person shall cause or permit a nuisance to occur on any property owned by that person.

DILAPITATED BUILDINGS

- 6. Notwithstanding the generality of Section 5, no person shall cause or permit a building or structure to deteriorate into a ruinous or dilapidated state such that the

Building or structure:

- a) is dangerous to the public health or safety;
- b) substantially depreciated the value of the other land or improvements in the neighborhood;
- or
- c) is substantially detrimental to the amenities of the neighborhood.

UNOCCUPIED BUILDINGS

- 7. Notwithstanding the generality of Section 5, no person shall cause or permit an unoccupied building to become damaged or to deteriorate into a state of disrepair

Such that the building is an imminent danger to public safety.

OVERGROWN GRASS AND WEEDS

- 8. Notwithstanding the generality of Section 5, no owner or occupant of land shall cause or permit the land to be overgrown with grass or weeds.
- 9. For the purpose of this section, “overgrown” means in excess of 0.20 meters (8 inches) in height.
- 10. This section shall not apply to any growth which forms part of a natural garden that has been deliberately planted to produce ground cover, including one or more species of Wildflowers, shrubs, perennials, grasses or combinations of them, whether native or nonnative, consistent with a managed and natural landscape other than regularly mown grass.

UNTIDY AND UNSIGHTLY PROPERTY

11. Notwithstanding the generality of Section 5, no person shall cause or permit any land or buildings to become untidy and unsightly.

JUNKED VEHICLES

12. Notwithstanding the generality of Section 5, no person shall cause or permit any junked vehicle to be kept on any land owned by that person.

MAINTENANCE OF YARDS

13. Notwithstanding the generality of Section 5, no person shall cause or permit any basement, excavation, drain, ditch, watercourse, pond surface water, swimming pool or other structure to exist in or on any private land or in or about any building or structure which is dangerous to the public safety or health.

MAINTENANCE OF YARDS

14. Notwithstanding the generality of Section 5, no person shall cause or permit on any property owned by that person;
 - a) an infestation of rodents, vermin or insects;
 - b) any dead or hazardous trees; or
 - c) any sharp or dangerous objects.

OUTDOOR STORAGE OF MATERIALS

15. Any building materials, lumber, scrap metal, boxes or similar items stored in a yard shall be neatly stacked in piles and elevated off the ground so as not to constitute a nuisance or harborage for rodents, vermin, and insects.
16. Materials referred to in Section 15 shall be elevated at least 0.15 (6 inches) meters off the ground and shall be stacked at 3.0 meters from the exterior walls of any building and at least 1.0 meter (39 inches) from the property line.

REFRIGERATORS AND FREEZERS

17. Any refrigerator or freezer left in a yard shall have its hinges, latches, lid, door or doors removed.

FENCES

18. Fences shall be maintained in a safe and reasonable state of repair.

ENFORCEMENT OF BYLAW

19. The administration and enforcement of this Bylaw is hereby delegated to the Administrator of the Village of Mortlach.

INSPECTIONS

20. The inspection of property by the Municipality to determine if this Bylaw is being complied with is hereby authorized.
21. Inspections under this Bylaw shall be carried out in accordance with Section 362 of *The Municipalities Act*.

- (a) fail to comply with an order made pursuant to this Bylaw;
- (b) obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw;
- (c) fail to comply with any other provision of this Bylaw.

32. Every person who contravenes any provision of Section 31 is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual, to a fine of not more than \$10,000.00
- (b) in the case of a corporation, to a fine of not more than \$25,000.00, and
- (c) in the case of a continuing offence, to the maximum daily fine of not more than \$2,500.00 per day
- (d) in case of an individual; a fine up to but not more than \$10,000.00 the the fine shall be applied to the property taxes
- (e) in the case of a corporation; to a fine up to but not more than \$25,000.00 the fine shall be applied to the property taxes
- (f) in the case of a continuing offence, to the maximum daily fine of not more \$2,500.00 per day

COMING INTO FORCE

33. This Bylaw shall come into force August 13, 2019

34. Bylaw No 03-06 is hereby Repealed.


Mayor


Mayor


Administrator

Certified a true copy of Bylaw 2019-02
Adopted by resolution of Council
This 13 day of AUGUST, 2019


Administrator

